

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

A listing of the pending claims is provided for the Examiner's convenient reference.

The subject patent application claims priority to Japanese Application Nos. 2001-28384 and 2001-335259, filed on February 5, 2001 and October 31, 2001, respectively.

Acknowledgment of these priority claims and of receipt of the certified copies of these applications (which were previously submitted on December 10, 2001) are again respectfully requested.

Claims 1-4, 8, 10-24, 28 and 30-35 were rejected under 35 U.S.C. Section 102(e) as allegedly being 'anticipated' by Murphy (U.S. Patent No. 6,232,874).

Independent claim 1 is directed to an inside-vehicle information communication method in which a server, provided in a vehicle, is caused to output a request for electronic ticket information to an electric device possessed by a passenger of the vehicle, upon receipt of a request for connection from the electric device. The server is caused to receive the electronic ticket information, outputted from the electric device upon receipt of the request for the electronic ticket information. The server is also caused to confirm, based on the electronic ticket information, whether the passenger has a right to use the vehicle and to allow the electric device to be connected to the server to enable communication therebetween in the vehicle if the server confirms that the passenger has the right to use the vehicle.

As described by way of example without limitation in the subject patent application in connection with an illustrative embodiment, the server can be connected only to an electric device having a right to use a vehicle. The can ensure limited use of, for example, an information-providing service via the server with an electric device having a use right and the connection can be established, for example, within an allowable range. Thus, even inside a vehicle, a user possessing an electric device and appropriate electronic ticket information can securely and easily receive an information-providing service.

In contrast, Murphy is directed to controlling use of a vehicle by a “restricted operator.” Murphy describes that the restricted use may arise because of “one or more recent convictions of the operator for driving under the influence of alcohol or drugs, because of recent physical, mental or emotional impairment or the advanced age of the operator, or because of other similar reasons.” Col. 1, lines 16-20. Murphy further describes that “...a vehicle driver activates the vehicle by turning on the ignition system and thereby activates the driver control system.” The ability of the driver to operate the vehicle is determined based on an indicium and/or a token provided to an apparatus 170. Consequently, Murphy is very different than the system and method of claim 1 which relates to, among other things, whether an electric device of passenger can connect to a server for in-vehicle communication.

As noted above, independent claim 1 calls for steps of “causing a server ... to output a request”, “causing the server to receive ...” and “causing the server to confirm.” Apparatus 170 (see Figure 6) includes a controller module 179 for implementing vehicle use control. Apparatus 170 does not constitute a server, and thus Murphy fails to disclose any steps that involve “causing a server” to perform operations as claimed. For this reason alone, Murphy cannot anticipate claim 1.

Significantly, in the discussion in the office action of claim 12, which is alleged to be “exemplary” with respect to claims 1-4, 8, 10, 11, 16, 17 and 31-33, no allegation is even made that Murphy discloses a server. Consequently, the office action cannot be said to have even set forth a prima facie basis for the rejection of claim 1.

Moreover, even assuming for the sake of argument only that apparatus 170 is erroneously alleged as somehow being a server, Murphy is still deficient with respect to claim 1. In particular, claim 1 calls for allowing an electric device “to be connected to the server to allow communication therebetween in the vehicle if the server confirms that the passenger has the right to use the vehicle.” In Murphy, confirmation of the right to use the vehicle results in operation of the vehicle including certain accessories thereof being permitted. See, e.g., Abstract, lines 10-12 (“When this indicium is satisfactorily presented and analyzed, the system allows operation of the vehicle (including selected vehicle accessories)...”). There is no disclosure whatsoever of connecting to a server as a result of confirming that a passenger has a right to use a vehicle. For this additional and independent reason, Murphy cannot anticipate claim 1.

Independent claims 2, 16, 17 and 32 are believed to patentably distinguish over Murphy for at least the reasons set forth with respect to claim 1.

Independent claim 10 calls for “allowing the electric device possessed by the passenger to be connected to the inside-vehicle communication apparatus to enable communication therebetween if the managing section confirms that the passenger has the right to use the vehicle.” As noted above, in Murphy, the result of confirming a passenger’s right to use a vehicle is that operation of the vehicle is permitted. There is no disclosure of the confirming resulting in the connection of an electric device to an inside-vehicle communication apparatus to enable communication therebetween. For at least this reason, Murphy does not anticipate claim 10.

Independent claims 12, 13 and 33 are believed to patentably distinguish over Murphy for at least the reasons set forth with respect to claim 10.

Independent claim 18 is directed to a vehicle-provided communication network that includes a server. As noted above in the discussion of claim 1, Murphy does not disclose a server and for this reason alone Murphy cannot anticipate claim 18.

Claim 18 further calls for the enabling of information communication in a vehicle, performed between the server and an information communication terminal, only in a case where first and second using conditions are identical to each other. At best, Murphy might disclose enabling operation of the vehicle if certain “conditions” are identical. However, there is no disclosure of enabling “information communication” between a server and an information communication terminal based on checking of “using conditions.” For this additional and independent reason, Murphy does not anticipate claim 18.

Independent claim 31 is believed to patentably distinguish over Murphy for at least the reasons set forth with respect to claim 18.

Independent claim 19 specifies certain components of a server in a vehicle-provided communication network system. As noted above in the discussion of claim 1, Murphy does not disclose a server and for this reason alone Murphy cannot anticipate claim 19.

Claim 19 also calls for a “relay” with respect to communication performed between an information communication apparatus outside the vehicle and a portable communication terminal. The office action does not identify any component of Murphy that corresponds to a

“portable communication terminal.” Moreover, Murphy does not disclose relaying of communication from an apparatus external to a vehicle to a portable communication terminal. For example, even if were to be alleged that Murphy's “token” corresponds to the claimed portable communication terminal, there is no disclosure of apparatus 170 relaying communications to this token. Indeed, TRAM 191 is expressly described in Murphy as “a receiving and analysis mechanism” and there is no description in Murphy disclosing or suggesting that communications be “relayed” to the token by TRAM 191 or any other portion of apparatus 170. For these additional and independent reasons, Murphy does not anticipate claim 19.

Independent claim 23 calls for a recording medium issuing apparatus involving a first using condition to use a vehicle-provided communication network and a second using condition to use a vehicle. Even if Murphy is alleged to describe the claimed second using condition, there is nothing in Murphy relating to a using condition to use a vehicle-provided communication network, much less issuing a recording medium in this context. Consequently, Murphy cannot anticipate claim 23.

Independent claim 24 is believed to patentably distinguish over Murphy for at least the reasons set forth with respect to claim 23.

Independent claim 34 calls for certain receiving and determining operations to occur “at a server.” As noted above with respect to claim 1, Murphy does not disclose a server and thus cannot anticipate claim 34.

Claim 34 also calls for sending, from the server to an information terminal, notification information for notifying a passenger that the information terminal is connected to the server and can use the server for in-vehicle information communication. No such notification is provided in Murphy. As noted above with respect to claim 19, even if the “token” of Murphy is viewed as corresponding to a portable information terminal, Murphy discloses no communication from apparatus 170 to this token, much less communication of the claimed notification information. For this additional and independent reason, Murphy cannot anticipate claim 34.

Independent claim 35 is believed to patentably distinguish over Murphy for at least the reasons set forth with respect to claim 34.

Moreover, the discussion of claim 34 in the office action does not contain any identification of any portions of Murphy which allegedly correspond thereto. Consequently, the office action cannot be said to have even set forth a prima facie basis for the rejection of claim 34.

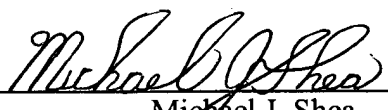
The claims which depend from the above-discussed independent claims are believed to patentably distinguish over Murphy at least because of their respective dependencies.

Claims 25, 26 and 29 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Murphy in view of Fuku et al. (U.S. Patent No. 6,868,170) and claim 27 was rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Murphy in view of Joao (U.S. Patent No. 6,549,130). Fuku et al. and Joao are applied in connection with certain features of dependent claims 25, 26, 27 and 29. The combination of these documents with Murphy would not result in the subject matter of the independent claims from which these claims depend. For at least this reason, claims 25, 26, 27 and 29 patentably distinguish over the applied documents.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100